

**DECLARATION FOR PATENT APPLICATION  
SOLE OR JOINT**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention titled:

**TOPICAL APPLICATION FOR TREATING TOENAIL FUNGUS**

the specification of which is attached hereto.

**I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION,  
INCLUDING THE CLAIMS.**

**I ACKNOWLEDGE THE DUTY TO DISCLOSE INFORMATION WHICH IS MATERIAL TO THE EXAMINATION OF THIS  
APPLICATION IN ACCORDANCE WITH TITLE 37, CODE OF FEDERAL REGULATIONS, §1.56(a).**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s)**

			Priority Claimed
(Number)	(Country)	(Day/Month/Year Filed)	Yes <input type="checkbox"/> No <input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes <input type="checkbox"/> No <input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications listed below and, INSOFAR AS THE SUBJECT MATTER OF EACH OF THE CLAIMS OF THIS APPLICATION IS NOT DISCLOSED IN THE PRIOR UNITED STATES APPLICATION IN THE MANNER PROVIDED BY THE FIRST PARAGRAPH OF TITLE 35, UNITED STATES CODE, §112, I ACKNOWLEDGE THE DUTY TO DISCLOSE MATERIAL INFOMATION AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, §1.56(a) WHICH OCCURRED BETWEEN THE FILING DATE OF THE PRIOR APPLICATION AND THE NATIONAL OR PCT INTERNATIONAL FILING DATE OF THIS APPLICATION:

60/274,391	March 10, 2001	Pending
(Application Serial Number)	(Filing Date)	(STATUS: Patented, Pending, Abandoned)
(Application Serial Number)	(Filing Date)	(STATUS: Patented, Pending, Abandoned)

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith (List name and registration number).

(LIST SENIOR PATENT COUNSEL AND ATTORNEY HANDLING CASE WITH PATENT OFFICE REGISTRATION NUMBERS.)

**Ernest D. Buff**

Name	Name	Name
25,833	Registration Number	Registration Number
Registration Number	Registration Number	Registration Number

SEND CORRESPONDENCE TO:

Ernest D. Buff, Esq.  
Ernest D. Buff & Associates, LLC

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Morristown, NJ 07960

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## DECLARATION FOR PATENT APPLICATION—SOLE OR JOINT (Continued)

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF SOLE OR FIRST INVENTOR James Edward Brehoeve  
INVENTOR'S SIGNATURE *James Edward Brehoeve* Date 2/5/02  
RESIDENCE Succasunna, New Jersey (County Of Morris)  
CITIZENSHIP USA  
POST OFFICE ADDRESS 11 Cliff Court  
Succasunna, NJ 07876

FULL NAME OF SECOND JOINT INVENTOR \_\_\_\_\_  
INVENTOR'S SIGNATURE \_\_\_\_\_ Date \_\_\_\_\_  
RESIDENCE \_\_\_\_\_  
CITIZENSHIP \_\_\_\_\_  
POST OFFICE ADDRESS \_\_\_\_\_  
\_\_\_\_\_

FULL NAME OF THIRD JOINT INVENTOR \_\_\_\_\_  
INVENTOR'S SIGNATURE \_\_\_\_\_ Date \_\_\_\_\_  
RESIDENCE \_\_\_\_\_  
CITIZENSHIP \_\_\_\_\_  
POST OFFICE ADDRESS \_\_\_\_\_  
\_\_\_\_\_

FULL NAME OF FOURTH JOINT INVENTOR \_\_\_\_\_  
INVENTOR'S SIGNATURE \_\_\_\_\_ Date \_\_\_\_\_  
RESIDENCE \_\_\_\_\_  
CITIZENSHIP \_\_\_\_\_  
POST OFFICE ADDRESS \_\_\_\_\_  
\_\_\_\_\_

FULL NAME OF FIFTH JOINT INVENTOR \_\_\_\_\_  
INVENTOR'S SIGNATURE \_\_\_\_\_ Date \_\_\_\_\_  
RESIDENCE \_\_\_\_\_  
CITIZENSHIP \_\_\_\_\_  
POST OFFICE ADDRESS \_\_\_\_\_  
\_\_\_\_\_

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

James Edward Brehove

Serial No:

Complete Based On Application No.: 60/274,391, Filed March 10, 2001

For:

**TOPICAL APPLICATION FOR TREATING TOENAIL FUNGUS**

Attorney Docket No.:

0045-1

245 South Street  
Morristown, NJ 07960  
February 2, 2002

Assistant Commissioner For Patents  
Washington, DC 20231

Sir:

**VERIFIED STATEMENT (DECLARATION) CLAIMING**  
**SMALL ENTITY STATUS UNDER 37 CFR 1.9 (f) AND 1.27 (b)**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees under Sections 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled **TOPICAL APPLICATION FOR TREATING TOENAIL FUNGUS** described in the above-identified application.

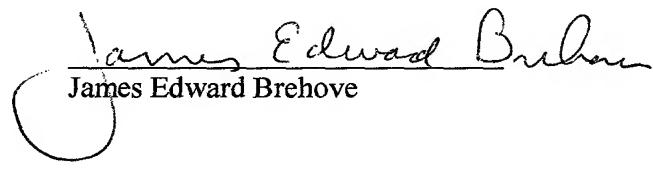
I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9 (c) if that person had made the invention or to any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

There is, in fact, no such person, concern, or organization.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

  
James Edward Brehove

2/4/02  
Date